

REMARKS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 1-2, 4-6, 8-9, 11, 13-16 and 21-25 are presently active in this case. The present Amendment amends Claims 1-3, 4, 6, 8-9, 11, 13-16, 21, 23 and 25 without introducing any new matter and cancels Claims 3, 7, 10, 12 and 17-20.

The outstanding Office Action objected to Claim 1 because of informalities. Claims 17 and 19 were rejected under 35 U.S.C. §101 as directed to non-statutory subject matter. Claims 1-4 and 6-25 were rejected under 35 U.S.C. §103(a) as unpatentable over Ohtsuka (U.S. Patent No. 6,327,049) in view of Ueda et al. (U.S. Patent No. 6,525,770, herein "Ueda"). Claim 5 was rejected under 35 U.S.C. §103(a) as unpatentable over Ohtsuka and Ueda and further in view of McCain et al. (U.S. Patent No. 5,309,351, herein "McCain").

To clarify Applicants' invention and in response to the objection to Claim 1, Claim 1 is amended. In particular, Claim 1 is amended to recite "to acquire result information ... includes order information indicating an order of the images in a direction perpendicular to a display screen" and to recite "to edit the first image information ... is edited according to the acquired result information including the order information, so that if at least two elements superimpose each other, a portion of the image information covered by an element of higher order is not included by the edited first image information." These features find non-limiting support in the disclosure as originally filed, for example at page 27, lines 4-18 and in page 29, lines 10-19 and in corresponding Figures 9A and 9B. Independent Claims 8, 15, 21 and 23 are amended to recite similar features in accordance with the amendments to Claim 1.

Independent Claim 6 is amended to recite "wherein when the operation instruction includes adding process for adding additional information to the displayed second image information, the image processor saves the additional information, and the output controller

executes a superimpose process for the received first image information and the saved additional information and causes the given printing device to print a result of the superimpose process.” These amendments find non-limiting support in the disclosure as originally filed, for example at page 25, lines 17-27 and in corresponding Figures 6-7. Independent Claims 11, 13, 16 and 25 are amended to recite similar features in accordance with the amendments to Claim 6.

In response to the rejection of Claims 17 and 19 under 35 U.S.C. §101, Claims 17 and 19 are cancelled.

In response to the rejection of Claims 1-4 and 6-25 under 35 U.S.C. §103(a), Applicants respectfully request reconsideration of this rejection and traverse the rejection, as discussed next.

Briefly recapitulating, Claim 1 relates to an image processing apparatus including a communication unit configured to communicate with an information processing apparatus, the information processing apparatus is configured to operate on image information; a storage configured to store first image information which represents at least one element; and a controller configured to send second image information to the information processing apparatus, configured to acquire result information from an operation which is executed for the sent second image information on the information processing apparatus, wherein the result information includes order information indicating an order of the images in a direction perpendicular to a display screen; configured to edit the first image information, wherein the first image information stored in the storage is expanded, wherein the first image information is edited according to the acquired result information including the order information, so that if at least two elements superimpose each other, a portion of the image information covered by an element of higher order is not included by the edited first image information; and configured to send the edited first image information to the information processing apparatus.

Independent Claims 6, 8, 11, 13, 15-16, 21, 23 and 25 recite similar features in the context of an image processing apparatus, image processing method, image distribution method applied to a network system, and storage medium including computer readable program code means.

As explained in Applicants' Specification at page 1, lines 11-18 with corresponding Figure 1, Applicants' invention provides a technique of accepting a client's request and editing the image information along with the request to efficiently distribute the edited image information.

Turning now to the applied references, Ohtsuka discloses a printing service for processed images carried out in a digital photographic service.¹ Ohtsuka's results of editing are sent to the user terminal for low resolution data to the laboratory system, and the data is printed at the laboratory system.² Ohtsuka, however, at least fails to teach or suggest Applicants' claimed image processing apparatus. In particular, Ohtsuka fails to teach or suggest, *inter alia*, the claimed output controller configured to cause a given printing device to print the received first image information. In Ohtsuka, the laboratory system 2 includes a work station, which is loaded with a program 41 carrying out the printing.³ Ohtsuka's user terminal 5 does not perform any printing. A laboratory system printing processed images that were ordered from an user terminal, as taught by Ohtsuka, *is not* an image processing apparatus including an output controller configured to cause a given printing device to print the received first image information, as claimed by Applicants.

Further, Applicants respectfully submit the secondary reference Ueda does not remedy the deficiencies of Ohtsuka. Ueda discloses a CCD camera and a method of using a CCD camera for a factory automation process, in which images are acquired in a particular

¹ See Ohtsuka in the Abstract.

² See Ohtsuka for example at column 6, line 58 to column 7, line 8 and in corresponding Figure 2.

³ See Ohtsuka at column 9, lines 21-39, Figure 3.

manner to avoid motion blurs caused by fast movements of the automation process.⁴ Ueda is entirely silent on the output controller configured to cause a given printing device to print the received first image information, as claimed. Therefore, even if the combination of Ohtsuka and Ueda is assumed to be proper, the combination fails to teach every element of the claimed invention. Accordingly, Applicants respectfully traverse, and request reconsideration of, this rejection based on these patents.⁵

Further, the independent claims have been amended to recite additional features that are neither taught nor disclosed by the applied references Ohtsuka, Ueda and McCain. In particular, independent Claims 1, 8, 15, 21 and 23 recite features regarding order information indicating the order of the images and image information covered by an element of higher order. Independent Claims 6, 11, 13, 16 and 25 recite features regarding adding additional information to the displayed second image information and the superimpose process. These claimed features are not disclosed by the references Ohtsuka, Ueda and McCain, taken individually or in combination.

Consequently, in view of the present Amendment, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal Allowance. A Notice of Allowance for Claims 1-2, 4-6, 8-9, 11, 13-16 and 21-25 is earnestly solicited.

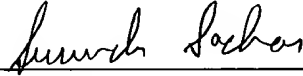
⁴ See Ueda at column 1, lines 12-19, from column 6, line 50 to column 7, line 5 and in corresponding Figure 2.

⁵ See MPEP 2142 stating, as one of the three "basic criteria [that] must be met" in order to establish a *prima facie* case of obviousness, that "the prior art reference (or references when combined) must teach or suggest all the claim limitations," (emphasis added). See also MPEP 2143.03: "All words in a claim must be considered in judging the patentability of that claim against the prior art."

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact Applicants' undersigned representative at the below listed telephone number.

Respectfully submitted,

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